

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEW MEXICO**

**LAWRENCE RODRIGUEZ, STEVEN J.  
DURAN, ROSEMARY NEAL, JASON  
BROWN and GREG MIERA,**

**On behalf of themselves and other  
Present and former City employees,**

**Plaintiffs,**

**-vs-**

**Cause No. 1:07-cv-00901**

**CITY OF ALBUQUERQUE,**

**Defendant.**

**MOTION TO VACATE SETTLEMENT CONFERENCE**

The City of Albuquerque, through its undersigned attorneys, respectfully moves the Court to vacate the settlement conference currently set for June 5, 2008 in this matter. As grounds for the Motion, the City informs the Court that a Motion to Reconsider is currently pending in *Chavez v. City of Albuquerque*, No.CIV 02-0562 JH/ACT, filed by Plaintiffs' attorneys here. The issues in that case are identical to the issues Plaintiffs raise here, on which the City largely prevailed in the previous lawsuit, and for which the City intends to file dispositive motions here. Consequently, the City believes a settlement conference would be unprofitable at this stage of the proceedings. In addition, lead counsel for the City Ed Bergmann has a conflict with the June 5 date currently set. Counsel for Plaintiffs, Paul Livingston, was consulted, but did not agree to vacating the settlement conference.

For the foregoing reasons, the City respectfully asks the Court to vacate the settlement conference set for June 5, 2008.

Respectfully Submitted,

Robert M. White  
City Attorney

/s/ Edward W. Bergmann  
Edward W. Bergmann  
Michael Garcia  
Assistant City Attorneys  
P.O. 2248  
Albuquerque, N.M. 87103  
(505) 768-4500

I hereby certify that on the 22<sup>nd</sup> day of May, 2008, a true and correct copy of the foregoing pleading was filed electronically and mailed to the following counsel of record:

Sam Bregman  
Eric Loman  
111 Lomas Blvd. N.W, Suite 230  
Albuquerque, N.M. 87102

Paul Livingston  
P.O. Box 250  
Placitas, N.M. 87043

/s/Electronically signed  
Edward W. Bergmann